in the same way and exercising the same control over them.

"That the individual defendants in 1899 increased the stock of the Standard Oil Company of New Jersey from \$10,000,000 to \$110,-

"That said company was then a produc ing and selling corporation, and they added to its corporate powers the power of purchasing stock in other companies and practically all of the powers exercised by the trustees under the unlawful trust agreement of 1882

"That the Standard Oil Company of New Jersey, then taking the place of the trustees, acquired all of the stock of the corporations theretofore held and controlled by the trustees, paying therefor by the issue of its own shares in exchange.

"That the president of the board of trustees became the president of the Standard Oil Company of New Jersey and the same persons (the individual defendants) who had directed the business of the trust then assumed the direction of the business of the Standard Oil Company of New Jersey and have ever since continued it.

"That the purpose and effect of the use of the Standard Oil Company of New Jersey as a holding company was precisely the same as the purpose and effect of the appointment of the trustees hereinbefore referred to, namely, to suppress competition among the corporations and limited partnerships whose stock was first held by the trustees and then by the Standard Oil Company of New Jersey.

"That by the foregoing methods, aided by the establishment of railroad rates for transportation which discriminated in favor of the corporations whose stock was held by the holding company, that company has been enabled to obtain in large sections of the country a monopoly of the sale of refined oil, with the result that the prices to the consumer within the territory where the monopoly prevails are very much higher than within the territory where competition to some extent still exists.

It is believed that these facts, together with others contained in the report of the special counsel, justify and require action by the United States in the courts. Accordingly, a petition in equity under

the provisions of the Sherman act has this day been filed against the Standard Oil Company of New Jersey and seventy other corporations and limited partnerships and the seven individual defendants before named in the Eighth Judicial Circuit, at St. Louis. Mo., to have the said combination adjudged and decreed to be unlawful and that the holding and control by the Standard Oil Company of New Jersey of the stocks of the seventy corporations be declared unlawful and the said corporations be prohibited from declaring or paying any dividends to the Standard Oil Company of New Jersey and be enjoined from entering into or performing any contract or combination to restrain trade and commerce or to monopolize trade in the

"The question whether any action of a different nature should be taken is reserved for future consideration. The controversy is now pending in the courts and any further comment by this Department or by any one connected with it would obviously be improper and unfair."

CHICAGO, Nov. 15 .- Charles B. Morris, one of the special Attorneys-General who drew up the bill against the Standard Oil Company, reached the city to-day and said it probably will be several weeks before the case is brought to trial at St. Louis.

"The first thing is to get service on the defendants," said Mr. Morrison, "and get them into court. Then an answer will have to be filed by the defendants. After that is done the case will be pushed."

## SYNOPSIS OF THE PETITION.

Pleas Upon Which the Government Bases Demand for Oil Trust's Bissolution.

St. Louis, Nov. 15 .- The Government's petition in equity against the Standard Oil Company of New Jersey, its seventy constituent corporations and seven individuals was filed here to-day in the Federal Court, Eighth Judicial Circuit. THE PETITION.

The following synopsis of the petition was given out for publication by the Govern-

It is alleged in the petition that John D. Rockefeller and his associates, the other individual defendants, formed a conspiracy to monopolize the commerce in petro and its products at a very early date year 1870-and that the same individuals have controlled the combination dur-ing all these years, in all its forms, and control it The form which such combination and

conspiracy has assumed and the devices ployed have from time to time en subject to change as the individual fendants considered it most effective for carrying out their purposes. The petition, therefore, is logically divided into three periods: During the first, from 1870 to 1882, the combination assumed the form of a simple conspiracy—that is to say, the defendants, with the Standard Oil Company of Ohio, which they organized, purchased and obtained interests in by stock ownership and otherwise and in hy stock ownership and otherwise and entered into agreements with various per-sons, firms, corporations and limited partnerships engaged in the same business, whereby they acted together to suppress nereby they acted together to suppress

During the second period, to wit, from 1882 to 1899, the conspiracy assumed the form of a trust agreement, whereby about ty separate corporations engaged in same business, turned over the management of their business to nine trustees, of which these individual defendants were the majority, so that these defendants con-trolled all of these corporations and there-

eliminated competition. Such trust agreement having been declared illegal by the Supreme Court of Ohio in 1892, the trustees passed a resolu-tion dissolving the trust, but neverthess continued to manage all of the said cororations in the same manner until 1899, t which time, being compelled to abandon the trust agreement, they placed all of the stocks of these corporations and limited partnerships, which had been previously controlled by the trustees, into the Standard Oil Company of New Jersey as a holding corporation.

ce 1899 the Standard Oil Company of New Jersey has controlled all the various corporations, purchased the stocks of other corporations and organized ne corporations, until it now has about seventy

corporations. Having described the general scheme carried out by these defendants, the petition states the leading facts of these separate

periods, which may be briefly summarized

FIRST PERIOD, 1870-1882. The petition alleges that in the first period, from 1870 to 1882, the individual defendants, through the Standard Oil Company of Ohio, obtained control of forty-seven refineries in New York, Pennsylvania and Ohio and entered into a con-spiracy to limit production and suppress

One of the principal means by which s conspiracy was carried out was rebates Standard Oil shipments. Agreements on Standard Oil shipments. Agreements with railroads are attached to the netition showing rebates of 51½ cents out of a rate of 51.4.

The petition then describes a suit against he heads of the Standard Oil Company and Pennsylvania Railroad officials, brought and Pennsylvania Ratiroad officials, brought in Pennsylvania, alleging conspiracy to monopolize the oil industry, which case was settled by the railroad promising to discontinue rebating and to publish all oil tariffs. The petition alleges that through these rebates the Standard was able to control 90 per cent. of the oil industry.

PERIOD OF TRUST AGREEMENT, 1882-1899. It is alleged in the petition that the de-



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fendants, for the purpose of more effectually perfecting their conspiracy to monopolize the trade, entered into a trust agreement under which all the stockholders of thirteen of these corporations and a part of the stockholders of twenty-six other con-cerns placed their stock in the hands of nine trustees, of which the individual defendants were the majority; and that through said stock ownership they con-trolled the business and property of these hirty-nine corporations and others thereafter acquired and suppressed all com tition and thus monopolized the trade petroleum and its products. This trust agreement is set forth in full in the petition. It was to continue during the lives of the urvivors and survivor of the trustees and for twenty-one years thereafter.

Then follows a list of the parties to the

The agreement was made on Jan. 2, 1882. All of the individuals aforesaid transferred their stock to the trustees; and the ferred their stock to the trustees; and the trustees issued trustees' certificates in exchange. The trustees also organized a Standard Oil Company of New York and one of New Jersey, to which certain property of individuals and copartnerships was transferred. In exchange for all these stocks and properties there was issued in January, 1882, \$70,000,000 of trustees' certificates in \$100 shares. It is alleged that from time to time thereafter the trustees acquired additional stocks of the trustees acquired additional stocks of corporations and issued additional certifi-cates, so that at the time of the final dis-solution in 1899 there were \$97,250,000 of

trust certificates outstanding. In 1892, the Attorney-General of Ohio had brought a suit to have the trust agreement declared void, and in March, 1892, judgment was rendered by the Su-preme Court of Ohio declaring the trust agreement void as being in restraint of trade. On March 21, 1892, the trust cer-tificate holders met in New York and retificate holders met in New York and re-solved to dissolve the trust and appointed John D. Rockefeller, Henry M. Flagler, William Rockefeller, John D. Archbold, Benjamin Brewster, Henry H. Rogers, Wesley H. Tilford and O. B. Jennings as liquidating trustees. The manner of liqui-dation was not to sell the property and di-vide the proceeds but all of the stocks were divided in proportion to the number of divided in proportion to the number of trust certificate shares outstanding, so that Rockefeller and his associates, after the pretended dissolution, continued to control all these corporations in the manner as before. It is alleged down to the organization of the holding company (the Standard Oil Company of New Jersey), in 1899, the same defendants continued to control all of the separate corporations as they had done before.

STANDARD OIL COMPANY OF NEW JERSEY. The trust agreement having been dec-clared void by the Supreme Court of Ohio, it became necessary to adopt some other plan to continue control over all of these corpor-ations. To accomplish this, in January, 1899. they increased the stock of the Standard Oil Company of New Jersey from \$10,000,000 to \$110,000,000, and made it the holding corporation and placed the control through stock ownership of all these corporations previously held by the trustees into that

company, and exchanged its stock for the stock so acquired, share for share, issuing therefor \$97,250,000 par value. From 1899 to the present time the in-dividual defendants have owned and con-trolled the majority of the stock of the Standard Oil Company of New Jersey, and in furtherance of the conspiracy they have purchased in the name of said Standard Oil Company, or in the names of individuals or corporations to be held for the benefit of the Standard Oil Company, the stocks of various corporations, and have from of various corporations, and have time to time organized additional porations under the laws of various States so that at the present time the defendants control, through the Standard Oil Company of New Jersey, seventy corporations, with an aggregate capital of more than

\$100,000,000. THE ALLEGATIONS.

It is alleged in the bill that the defend-nts, through the Standard Oil Company and other corporations, are producing, purchasing and transporting petroleum in all the States and Territories of the United States and into foreign countries, and sell-ing and disposing of the same.

That they own and control nearly all

of the pipe lines, tank cars and steamships engaged in transporting oil; and have eliminated competition and have monopolized the commerce in oil in the United

The petition alleges that, in addition, defendants have resorted to other

means and practices.

TIDEWATER CONTRACT.

The bill sets up various contracts with The bill sets up various contracts with competing concerns, by which competition has been eliminated, among others a contract between the Standard Oil Company and the Tidewater Pipe Company and the Tidewater Oil Company, whereby the Tidewater companies are limited to 11½ per cent. of certain business in Pennsylvania and New York, and the Standard Oil Company to receive 88% per cent of the Company to receive 8814 per cent. of the business, the Standard Oil Company guaranteeing the Tidewater company \$500,000 per annum profits, thereby eliminating all competion between them.

The bill alleges a contract made with the Pennsylvania Railroad Company in 84, which was in existence until 1906, in which it was agreed that the rates for the transportation of oil should be fixed by the milroad company with the advice and ncurrence of the National Transit Company (one of the Standard companies), thereby conferring upon the transit company the power to maintain high railroad rates, so as to prevent competitors from shipping crude oil in competition with the

tandard pipe lines.
It was also agreed that the railroad company should have 26 per cent. of the pe-troleum, both crude and refined, to carry, from western Pennsylvania to the scaboard, and, in substance, that the transit company pipe the oil instead of the Pennsyl vania Railroad carrying it, and pay the Pennsylvania four-fifths of the rate, or about 32 cents a barrel, the transit company doing the work for about 8 cents a barrel; and that, through this arrangement, the charges for transporting crude oil from western Pennsylvania have been for years main-

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tained at 40 and 45 cents a barrel to Phila-delphia and New York, respectively, both by pipe line and by rail, thereby eliminating the competition of independent producers and refiners.

RESTRAINT AND MONOPOLIZATION It is alleged that the Standard Oil Comare is an egged that the standard of Company have monopolized the carrying business by pipe lines, that they are common carriers, but that they have refused and failed to perform their duties as common carriers of oil; that they have charged excessive rates, and rates which were dis-criminatory in favor of the Standard Oil Company; that they have refused to furnish equal facilities for independent shippers; that they have refused to transport oil belonging to others than the defendants and their associated companies, and since the month of August, 1908, have refused to transport oil of others except in such large transport oil of others except in such large quantities as to completely prevent independent producers and refiners of oil from using their service; and that they have forced sixteen independent refiners now doing business in Pennsylvania and Ohio, and procuring their crude oil through the Standard Oil Company's pipe lines, to sell all of their export oil to the Standard Oil Company, thereby eliminating their competition. This contract was procured through threats of the Standard Oil Company to reduce the amount of crude oil which it would sell to the independent refiners.

UNFAIR PRACTICES

The bill alleges that the Standard Oil Company, through their various pipe line companies, paid high prices or premiums on oil in limited territories adjacent to competing pipe lines, thereby taking away the business of such pipe lines; but, as soon as the pipe lines were crushed out or pur-chased by the Standard, withdrew the premiums and lower the prices.

RATE DISCRIMINATIONS.

It is alleged that one of the principal instrumentalities through which the de-fendants have monopolized the commerce petroleum has been preferential rates and rates discriminatory against com-petitors, both in published tariffs and by secret and unpublished rates, and by re-bates granted to the Standard Oil Company. The bill goes into the details of many of these rates and shows a systematic discrimination substantially all over the United States, so that rates from Standard shipping points are very much lower, for the same distance proportionally and per ton per mile, than from shipping points of independent com-peting concerns. These differences in most eting concerns. These differences in mos estances amount to more than a reasonable profit upon the oil.

The petition gives many instances of rail-way favoritism in the South and Southwest, and alleges that for more than ten years the Pennsylvania Railroad Company established and had in force a secret and unpublished rate from Olean to Rochester, N. Y. (both being from Olean to Rochester, N. Y. (both being refining and manufacturing points of the Standard), of 56 cents per ton, while the independents from Struthers, Oil City, Clarendon, Titusville and Warren paid from \$2.30 to \$2.81 a ton-more than four times the Standard's rate. The Standard rate from Olean to Buffalo was 10 cents per barrel, while the rate from Bradford, Clarendon, Oil City, Rouseville, Struthers, Titusville. City, Rouseville, Struthers, Titusville, Warren (independent points) was 32

cents per barrel.

The New York Central road also made a secret rate of 9 cents per hundred pounds from Rochester to Norwood, N. Y., in connection with the Rutland Railroad, to Ver-

It is also alleged that the New England railroads, principally the New York, New Haven and Hartford, the Boston and Maine, the Rutland and the Central Vermont refused to prorate—that is, to join with the railroads connecting with said railroads, from independent refining points in western and northwestern Pennsyl-vania and Ohio, in making through rates on petroleum products-but charged their full local rates, although it was customary prorate on other products.

That by refusing to prorate, they dis-riminated against the independent reiners on an average of 8 or 9 cents per undred pounds.

That by reason of these matters the Standard Oil Company has had a substantial monopoly of all of the New England and the northern and eastern New York business.

Instances of rate discrimination in many States are given. CONTROL OF RAILROADS. It is alleged that discrimination has been obtained through the ownership and influence of the individual defendants,

and others acting in their interest, in the various railroads of the United States, and by reason of the fact that they were enabled to give such railroads large traffic or to take such traffic away from them in the event the rates were not satisfactory. A list of Standard Oil Company men and is given. MONOPOLY OF SALE OF OILS TO BAILROADS. It is alleged that by reason of the influence of the defendants over the railroads,

and the large tonnage which they are able to control, the Standard Oil Company sells substantially all of the lubricating oils to the railroads of the United States, amounting to exceeding \$4,300,000 per annum; that it charges some railroads very much higher prices than others; that in nearly all cases the prices charged to railroads are excessive and unreasonable, being from 50 to 100 per cent. more than the prices at which other manufacturers are willing and able to sell the same, and that the railroads are willing to and do pay these excessive charges by reason of and as a condition of securing shipments of traffic in petroleum and its products; and that the said excessive prices have been substantially the payments of rebates to the Standard Oil Company upon its shipments of such products.

UNFAIR METHODS OF COMPETITION. It is alleged that the Standard has used unfair methods of competition. Among others named in the bill are the following:
Where an independent has attempted to sell in any community, the Standard would cut the price below the cost to such independent, and in many instances below the cost to the Standard company, until the competitor was driven out, when the price would be raised; and that all over the United States, wherever no competition exists, the Standard has charged very much higher in many instances nearly twice as

much as in places where competition did Another means of unfair competition the Standard Oil Company was to obtain from railroads and railroad employees reports of the shipments of competitors, thus enabling the Standard Oil Company to find out where the competitor was shipping or about to ship oil, whereupon the Standard Oil Company would go into the community and cut the price below that

of the comretitor It is alleged that by reason of its monopoly the Standard Oil Company has made the Standard Oil Company has made enormous and unreasonable profits on the actual value of its property; that the trustees' valuation of all the property and stocks placed in their hands in 1882 was \$55,710,698.24, and that the additional property purchased or acquired by the issue of trust certificates was \$13,310,100; so that the total value of all property controlled by the Standard Oil Company of New Jersey, except such as may have been New Jersey, except such as may have been purchased from earnings, is \$69.020,798.24, according to their own valuation; that upon this capital the Standard has from 1882 to 1895, inclusive, paid \$512,940,084.50 of dividends, and has created a large, surDo You Know

The state of the s

that if Greater New York were peopled as densely as certain sections of the city a census would show more than ninety million inhabitants? Considering the present rate of growth, what figure will probably be reached within the twentieth century?

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plus; that its annual dividends the last nine years have run from 33 to 48 per cent per annum, in addition to this large surplus

STANDARD OIL SOLD DOWN. Has Lost Forty Points This Week-Usual Dividend Declared.

The Standard Oil Company declared resterday a dividend of \$10 a share, the ame amount declared at the corresponding time last year. The dividend makes the aggregate disbursements for the year \$40 a share, which again is the same amount as paid last year.

Nevertheless the stock declined rapidly and the transactions greatly exceeded the remarkably heavy dealings of each of the previous days of the week. The opinion was general that small holders of the stock had become frightened at the

of the stock had become frightened at the Government's activity.

The opening sale yesterday was at 568, an advance of 3 points over Wednesday's closing. From this point there was a steady decline to 545, the low price of the day. At this price there was a sale of a block of ninety shares, the largest single market transaction in the stock for many months Total sales for the day were 326 shares, said to be the largest in the market for many years. For four days of the week sales have aggregated 784 shares, or about five times as great as the

recent average.
Yesterday's closing price was 550, a loss of 15 points for the day and 40 points for the week. It is a loss of 150 points from the high point of the year, 700, in January. The high record price for the stock is 840, reached in 1902. The company is capi-talized at \$100,000,000, so that the decline every point means a depreciation of 1,000,000 in the market value of the company's stock.

Since the company was organized it has paid, including yesterday's declar tion, \$488 in dividends on every share stock outstanding. The disbursements have been as follows: 1891 to 1895, \$12 a share in each year; 1896, \$31; 1897, \$33; 1898, \$30; 1899, \$33; 1900 and 1901, \$48 in each year; 1902, \$45; 1903, \$44; 1904, \$36; 1905, \$40; 1906, \$40.

STANDARD FIXED TEXAS PRICES.

Waters-Pierce Oil Co. Got Its Rates From No. 26 Broadway. Sr. Louis, Nov. 15 .- Jewell B. Lightfoot Assistant Attorney-General of Texas, to-day

began taking depositions in the suit to oust the Waters-Pierce Oil Company from the Lone Star State as an unlawful combine. In the examination to-day it was shown that a connection between the Standard and the Waters-Pierce concern existed that in certain parts of Texas where the Waters-Pierce company was unusually strong the Standard had destroyed all com-

peting forces.

Witnesses testified that the Corsical Oil Company and the Security Oil Company at Beaumont, the two refineries owned by the Standard Oil Company, did not sell to companies competing with the Waters-Pierce concern, and that in return the Waters-Pierce company purchased all of the oil sold in the State of Texas from the two-thirds of the dividends received by H. Clay Pierce from the Waters-Pierce company in Texas were turned over to the Standard; that maps showing the division of territory covered by the Waters-Pierce ompany and the Standard were prepared in the Domestic Trade Commission room at 26 Broadway, New York city, and from that office distributed over the territory

Covered by the two concerns.

Those examined to-day were: C. M Adams, secretary and treasurer; C. B. lins, formerly private secretary to H. Clay Pierce; E. M. Vonhorten, manager city division of the Waters-Pierce Company, and C. J. Cohn, formerly a representat of the Waters-Pierce Company in Texas.

INDICTED OIL MEN FLEE OHIO. Action Denounced by Prosecutor-Mus

Appear in Person and Undergo Arrest FINDLAY, O., Nov. 15 .- By an agreement reached this afternoon among Prosecutor David H. McConnica, representing the Standard Oil Company, and Judge R, F Duncan of the Common Pleas Court, M. G. Vilas, treasurer; J. M. Robertson, secretary, and H. P. McIntosh, a director of the Standard Oil Company, under indictment for violation of the Valentine anti-trust law, will appear here next Monday to enter pleas and give bonds for their appearance at the January term of the Common Pleas

Court. Since early morning, S. H. Tolles of Cleveand, representing the Standard Oil Company, had been laboring to induce the rosecutor and Judge to permit the attorneys of the indicted officials to enter their appearance and furnish bonds. David was obdurate in his opposition to the plan and Judge Duncan stood with him.

As a last resort, McConnica went with the prosecutor to confer with the Judge and made a strong personal plea that this eniency be shown the off enders.

He said that the directors are all men of prominence and that it would be most humiliating for them to have to come here face the court and give bond in the formal manner pursued with the most common criminals. Finally McConica pleaded for a ersonal concession to him that the cour grant the request, promising to have the

McConica explained then that some of the men were in New York and it would be impossible for them to be here to-morrow, and as court would be adjourned on the and as court would be adjourned on the day following he asked that a day be set next week when they might appear. It was agreed further that the day agreed upon should not be announced.

Early in the day, S. H. Talles of Cleveland

called up Prosecutor David by telephone and asked if Vilas, Robertson and McIntosu ments through their attorneys.

These men, could plead to the Hancock county indict Vilus, Robertson and McIntosh, are showing disregard for the courts and the law. know men who disregard courts and laws are anarchistic. They must come down here, stand up and say guilty or not guilty the same as any other man accused of

erime.

"But Mr. Rockefeller was allowed to appear by attorney," persisted Tolles.
"Of course, these men aren't so big."

"In the case of Mr. Rockefeller it's different," David answered. "Mr. Rocke-feller and his attorneys acted as though they had some regard for courts and law. The lawyers came down here and arranged to appear and they kept that promise, but

your three men duck and hide like ordinary chicken thieves. When our Sherins went after them as witnesses in the other case they ducked and the wife of one tore up the subpensas and threw them into the officer's form and the subpensas and the sub officer's face. Another's wife said she knew where the man wanted was but would not tell."

\_ Carried and the second second second second

Tolles persisted in his argument and David said:

"Mr. Tolles, the conduct of your men doesn't entitle them to any special favorsthey have inconvenienced us by running away twice. They must come here in person and plead to the indictments."

McIntosh, Vilas and Robertson slipped out of Cleveland Wednesday afternoon, held a secret meeting at Painesville, and held a secret meeting at Painesville, and then went on eastward out of the State.

SUITS WON'T HURT OIL STOCKS Alexander McDonald Says the Standard Has No Cause for Alarm.

CINCINNATI Nov. 15 - Alexander McDon

ald of this city, a large stockholder of the Standard Oil Company, to-da, said: "Those indictments are absurd and ridiculous. John D. Rockefeller has no need to fear the indictments against him in Findlay or any other place. He has not had anything to do with the company for ten years and I don't believe he has

been in the main office in that time. I see no reason why he has not a valid alibi. All he does is to draw his dividends.

"I see no reason why the Standard should be worried about the suits filed against it and the present agitation. It was to be expected that the lower courts would decide against us Everything will be

be expected that the lower courts would decide against us. Everything will be carried to the highest courts, which will try the cases entirely on their merits.

I don't think the company will suffer in the least. Its business is now probably the largest in the world. None of the larger stockholders will part with the stock. They realize its value. It is only the smaller holders who are selling, and my only fear is that they may be imposed upon and be induced to sell at too low a figure.

I don't believe the Standard interests will knowingly knock the other stocks in Wall Street, as has been reported they would. I haven't the least doubt that they could

haven't the least doubt that they could I haven't the least doubt that they could if they wanted to, however."

Mr. McDonald to-day was advising his friends to buy, for he says the present slump cannot last and the market will recoup

STEVENS SEES HUGHES And Denies That He Will Oppose Reelection of Wadsworth for Speaker.

Governor-elect Charles E. Hughes spent vesterday at his home, 570 West End avenue, working most of the time on the pile of correspondence which accumulated while he was in the Adirondacks. He had only one visitor, former State Senator Frederick C. Stevens of Attica, who directed the successful fight against Congressman James W. Wadsworth in the Thirty-fourth district. Senator Stevens has been described as vowing vengeance against the Wadsworths because his Senate district was broken up in the reapportionment, and it has been reported that Senator Stevens now that the elder Wadsworth has been deposed, would exert whatever influence he has against the reelection of James W Jr., as Speaker of the Assembly

Suggestions that his call on Mr. Hughe related in any way the Speakership matter brought forth a sharp denial from Senator Stevens. He went further, and declared that the reports that he would line up in any way against the reelection of the younger Wadsworth as Speaker were false. He said that Wadsworth had served well and merited a reelection.

Personally Mr. Hughes is an admirer of Senator Stevens. The Wyoming county man was chairman of the legislative committee which investigated gas conditions in this city and Mr. Hughes in serving as counsel to the committee came to know Stevens well. Some persons believe that

Mr. Hughes will accept him as an adviser on affairs in western New York. Generally speaking, though, the Governorelect is in the position of being entirely free from any "confidential advisers." He had no close political friends prior to his nomination, and none of his professional acquaintances has ever been taken into his confidence to any extent. Those who have been closest to Mr. Hughes in the campaign say that he has always done his own thinking and deciding in his professional work and that that is what he will

Mr. Hughes has only two engagements to speak before January 1, one at the dinner to be given in his honor by the Republican Club at the Waldorf-Astoria on November 23 and the other at a dinner to be given by the Chamber of Commerce in Rochester on December 13. He is receiving many invitations, but he will probably be obliged to decline all others until after he has taken his seat at Albany.

do in discharging his duties as Governor

BRY AN TO MEMBERS OF CONGRESS Democrats. He Says, Should Select Their Committeemen in Caucus.

Lincoln, Neb., Nov. 15 .- In an open letter to the Democratic members of Congress Mr. Bryan says:

"The House rules put it within the power of a few men to control legislation. The Committee on Rules is so small that it does not represent the country; it represents no one but the Speaker. The Committee on Rules ought to be larger. If it were composed of fifteen members, selected from various sections of the country, it would be possible for the House to be brought into closer harmony with the entire nation, and it would not be so easy to strangle legis-

"The Speaker has too much power. Mem first, to the party second and to their con-stituents third. While the Democratic party cannot make the committees of the louse until it secures a majority, it can and hould begin its fight now. The present should begin its fight now. The present custom enables the minority leader to coerce by arbitrary authority, whereas he should lead by argument and by superior wisdom. The Democratic minority should assert the right of a caucus to select the minority members. It will add strength to the party in the next campaign if Penno cratic candidates will present the advanages of the caucus plan over the one

WITH GOMPERS AS TO POLITICS. American Federation Delegates Back Un His Plans for Future Action.

MINNEAPOLIS, Minn., Nov. 15 .- Samue Gompers, president of the American Federation of Labor, has converted the American Federation to politics.

His plan for fighting at the ballot box as been indorsed by the convention. Today two resolutions were introduced looking toward continuing his work, with the feder-One provides that representatives be

sent by the American Federation of Labor sent by the American to Australia to study the politics of trade unionism there. The other provides that rules be formulated perfecting the system politics to be advanced by the federa-Every speaker at the session was in

hearty accord with the movement and although these resolutions were not passed on to-day most of the delegates say they will support them.
In every speech that President Gorn ers has made since the convention gathered he bas defended his position in the recent cam-

Micholas Muller Reelected Leader. The Democratic central committee of Richmond borough reelected Nicholas Muller last night as leader. The other officers were also reelected.

ELECTRIC WAGONS



GO FASTER ALL THE TIME THAN HORSES CAN ANY TIME

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CENTRAL AGAIN FOUND GUILTY

JUDGE HOLT QUICKLY OVER-RULES CHOATE'S ARGUMENT.

The Ex-Ambassador Contends That Pay ment After the Elkins Law Was Passed Is Not a Crime if the Agreement Was Made Before-To Be Heard Again.

The New York Central Railroad Company was again found guilty of rebating to the American Sugar Refining Company in the United States Circuit Court, Criminal Branch, yesterday. Judge Holt set next Tuesday as the day on which he will hear the argument of the attorneys for the railroad on the usual technical motion for arrest of judgment. This motion will, it is expected, be overruled and the fine imposed. As there is but one count in the indictment on which the road was tried this time, the highest penalty which can be imposed is \$20,000.

The interest in yesterday's session centred in the effort of Joseph H. Choate to have the indictment thrown out on the ground that as only the \$26,000 rebates were paid over after the passage of the Elkins law, the agreement to rebate and shipment of sugars to Cleveland thereon having been completed before the passage of the law, the whole transaction could not legally be treated as a violation of the

Elkins law. It had been shown that Lowell M. Palmer for the sugar trust, and F. L. Pomeroy, as assistant traffic manager for the road, on July 24, 1902, made a written agreemen to rebate six cents off the schedule rate of 21 cents per hundred pounds on all the trust sugars going over the road from New York to Cleveland.

On April 9, 1903, after the shipments had been made and after the passage of the Elkins act in February, Pomeroy paid the \$26,000 odd in rebates in a single draft sent to Palmer in roundabout fashion. At the close of the session Judge Holt announced that at the request of the road's lawyers Mr. Choate would be allowed to argue the applicability of the Elkins law to this transaction on its behalf.

The room was crowded at the opening of court when Mr. Choate rose to speak. At his right were John E. Parsons and Alton B. Parker, who will try the first case to-day which the Government has brought against the trust. This is upon the complementary indictment alleging the receiving by the sugar company of the rebates which the rail-road gave. Mr. Choate, it was understood, thus argued the point for both corporation. Austen G. Fox and John D. Lindsav wer present for the railroad, and United States
District Attorney H. L. Stimson, his assistants Henry A. Wise and Felix Frankfurter,
and Agent John W. H. Crim on behalf of

the Government.

Mr. Choate made the general attack upon of the alleged crime, the agreement to rebate and the shipment of property there-on, had taken place before the passage of the Elkins law made them unlawful. He read the Elkins law: "It shall be unlawful to

grant, receive, accept or give rebates on any property which shall be transported." &c. "These are the words of the act and they certainly give a prospective character to the law. What was the intention of Congress in passing the law? To make it criminal to have repated in the past? That is cer tainly preposterous. To make it crimina to give or take rebates on property which to give or take rebates on property which had been transported and the bargain made before the passage of the act? Now, this is the very point. If Congress had meant that, it is only fair to suppose that they would have said so. But instead of saying so they said specifically that the law only was intended to cover shipments to be made in the future. It says plainly: 'On property which shall be transported.' This is merely a question of grammar, and no man of sense, I submit to your Honor, can construe the phrase I mention as baying any other than phrase I mention as having any other than

future signification.
"I must say," continued Mr. Choate, "that while we have the new spelling and all sorts of other new things to-day I have yet to see the new speller or new grammar that can convince sensible men that 'shall be' means anything else than plain 'shall be.' And even in a day when men are attacked in the public prints for giving to their clients all the legal aid they can to protect them

in their rights there can be no other construction of the phrase for sensible men but that 'shall be' means 'shall be.' "

After a lively debate between Judge Holt on one side and Messrs. Choate and Austen G. Fox on the other, in which Mr. Fox de-clared that Judge Holt had admitted the ambiguity of the Elkins law as relating to the acts alleged in the indictment, thus admitting that the railroad could not be held under it, the Court said it would be unnecessary for the United States Attorney to reply to Mr. Choate, as the law seemed

"The law plainly states," said Judge Holt, "that any corporation which 'shall grant' rebates shall be guilty of a violation of the rebates shall be guilty of a violation of the act. I grant that the law says further along 'on property which shall be transported, &c.' But that phrase 'shall be' seems to me to be merely one of no future signification, but made necessary in the equence of tenses by the anteced corporation which shall grant rebates. overrule the objection. Proceed with the

Judge Holt, however, gave Mr. Choate permission to speak again before him when the case of the sugar trust comes up to-day and to-morrow. It was remarked that the jury, although given permission by Judge Holt to leave the room while Mr. Choate spoke, remained in the box without exception.

Mr. Fox in summing up on behalf of the Mr. Fox in summing up on benair of the railroad admitted that the payments made to Palmer were rebates, but said that they had been paid by Pomeroy without any authority from the railroad or any of its officers: "We admit that the payments made were rebates. We admit that Pomerous whater and maid there. But roy granted rebates. We admit that Pome-roy granted rebates and paid them. But we do urge that such rebating has not been brought home to this corporation now on trial."

Mr. Stimson in summing up on behalf of the Government said that the case against the road was complete in every particular. It is just a case of this corporation having in the words of a former chief of police been caught with the goods on and having thrown up both hands

The jury were out about two hours when they came back for instructions. It was

are easy when the Brain is

Hard Spots

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"There's a Reason"



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OVER

HALPA

VESTERDAY provided the experience: Today we point the moral-

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considered significant of the influence of considered significant of the influence of Mr. Choate's speech that, although Judge Holt said it had no foundation, the jury asked Judge Holt for enlightenment on whether the payment of rebates after the passage of the law, when the agreement had been made and the goods shipped before the passage of the law, constituted a violation of the law. Judge Holt said that it did. The jury again retired and almost immediately brought in a verdict of guilty. Penalty will not be imposed until Tuesday. and Pomeroy, now its general traffic man-ager, \$6,000, on a joint indictment of six counts. The first case against the American Sugar Refining Company for receiving the

begins to-day, also before Judge Factory Fire at Stamford Does \$350,000

Damage STAMP ORD, Conn. Nov. 15 .- Fire destroyed the factory of the Atlantic Insulated Wire and Cable Company and the Max Roth shirt waist factory in Pacific street early this morning and damaged the Excelsior Hardware factory, the Tammany Organet Company and the Remington Oil Engine Company plants. The loss is estimated at \$350,000.

Hearst Drops Jewish Paper. The Jewish American, which William R. Hearst started on the East Side on October 15, quit business yesterday. The employees, of whom Rudolph Block was chief, received notice that the paper had been suspended.

MARRIED.

BRAGAW-MINER.-At the Second Congregational Church, New London, Conn., on Wednesday, Nov. 14, 1906, by the Rev. J. W. Bixler, D. D., Louise Miner to Griswold Bragaw, M. D. MANNING-TAYLOR .- On Thursday, Nov. 18, 1906, at the country seat of the bride's parents, The Oaks, Bayside, L. I., by Rev. William E. McCord, Adèle Armstrong Taylor, daughter of Mr. and Mrs. John Henry Taylor, to John

Pearce Manning, son of Mr. and Mrs. Henry Swan Manning. STURSBERG-DOWNEY .-- On Wednesday, Nov. 14, at The Pinnacles, Harrison, N. Y., by the Rev. Dr. Donald Sage Mackay, Edith Fisher Downey, daughter of Mrs. John Robert Downes to Albert H. Stursberg, both of New York effe

DIED.

BOTTOME. -On Wednesday morning, Nov. 14, at her residence, 225 East 17th st., Margaret. wife of the late Rev. Francis Bottome, D. D. Funeral services at the Madison Avenue Methodist Episcopal Church, 60th st. and Madison av., Saturday morning, Nov. 17, at half past

o'clock.

15, 1906 Fred Brotherh Notice of funeral hereafter. CANFIELD.—Suddenly, at Morristown, N. J., on Wednesday, Nov. 14, Hobart Canfield, husband of Emily H. Ford and son of the late Dayton I.

BROTHERHOOD .- Died at Bridgeport, Conn., Nov.

Funeral from St. Peter's Church, Saturday Nov. 17, on the arrival of the 12:50 train from New York. CROOK .- On Thursday, Nov. 15, at his residence 144 East 30th street, J. D. Kurtz Crook, aged

62 years. Notice of funeral hereafter. HULBERT .- In this city, Nov. 15. Katherine Thayer, widow of Milan Hulbert. Services on Saturday at 10 o'clock, chapel o' First Presbyterian Church, corner 11th st. and

Fifth av. Friends invited without further JOHNSON .-- At his residence, 20 Fifth av., N. V. Nov. 15, 1906, Theodore Polhemus Johnson, son of the late Rev. William Lupton Johnson, D. of Jamaica, L. I., and beloved husband of Marie Hazard D'Wolf,

Notice of funeral hereafter. MYNDERSE. - Suddenly, on Thursday evening. Nov. 15, at his residence, 94 Joralemon Brooklyn, Wilhelmus Mynderse, in the 57th year of his age.

Notice of funeral hereafter. TRUMPER. - Entered into life eternal on Thursday morning, Henry C. Trumper, beloved husban of Louisa P. Trumper, aged 74 years 9 month Funeral services will be held from his late rest

dence on South Pallsade av., Bergenfeld, N. on Sunday, Nov. 18, at 2 P. M. Relatives a friends are respectfully invited to attend.

telesianian applications Mrs. Winslow's Southing Syrup for children teething, softens the gums, reduces inflammation allays pain, cures wind colle, diarrhea, 25c, a bettie